

MINUTES OF THE LAFAYETTE COMMON COUNCIL
July 2, 2007
REGULAR MEETING

The Common Council of the City of Lafayette, Indiana met in regular session on Monday, July 2, 2007 at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Weast-Williamson called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

The following members were:

Present: Heide, Klinker, Meyer, Campbell Brown, Rhoda, Smith, Probasco and Weast-Williamson.

Absent: None

The City Clerk stated that there was a quorum present.

City Clerk Cindy Murray and City Attorney Ed Chosnek were present.

Councilman Campbell moved to approve the minutes from the June 4, 2007 regular meeting. Councilman Brown seconded. The motion passed by unanimous voice vote.

The Clerk stated that there were no Claims, Petitions or Communications.

The Clerk stated the following reports are available in the City Clerk's Office:

Clerk's Office Monthly- May 2007

Water Works Plant-Monthly- May 2007

Water Pollution Control Monthly - May 2007

Police Department Monthly – May 2007

Motor Vehicle Monthly & Fleet Maintenance Dept.-May 2007

Ordinances for Second Reading:

The Clerk read Ordinance 2007-18 (An Ordinance adding Chapters Regulating the use of Consumer Fireworks to Title 11 of the Lafayette Municipal Code-Public Safety and Nuisance) by title only on second and final reading. Councilman Meyer moved for passage, Councilman Klinker seconded. Councilman Meyer clarified that limiting the dates of usage for consumer fireworks is mandated by the State of Indiana legislation. Ordinance 2007-18 passed 8-0 on a roll call vote on second and final reading.

Ordinances for First Reading:

The Clerk read Ordinance 2007-19 (An Ordinance Amending the Lafayette Municipal Code with Regard to the Lafayette Fire Merit Board system by Repealing Sections 2.11.030 through 2.11.80 and Replacing the same New Section 2.11.03) by title only on first reading. Councilman Probasco moved for passage, Councilman Heide seconded. Chief Jim Morrow stated this ordinance allows the Fire Merit Commission the authority to adopt rules, regulations and

changes without bringing it to Council which is a two month process. The change will assist with time sensitive issues. Chief Morrow stated it would also bring the Fire Merit Commission in line with the way the Police Merit Board/Commission operates. Councilman Campbell questioned if an “elected official body” should have final control of the decisions of the all Commissions. Mayor Roswarski explained the proposal for the Fire Merit Commission was modeled after the Police Merit Commission which has been a successful check and balance for Police issues since 1977. Ed Chosnek, City Attorney, gave a brief overview of the State statute regarding Commissions and their limitations. Ordinance 2007-19 passed 8-0 on a roll call vote on first reading.

The Clerk read Ordinance 2007-20 (An Ordinance to amend the Zoning Ordinance of Tippecanoe County, Indiana -UZO amendment #54, omnibus, regarding: mining reclamation, required home service auto repair to be done indoors, adding two agencies to the list of PD checkpoint agencies, clarifying the table for open use setbacks/required bufferyards, allowing primary communications towers in the AA with a special exception and changing the use table by eliminating truck stops in the I2 zone.) by title only on first and final reading. Councilman Campbell moved for passage, Councilman Smith seconded. Ordinance 2007-20 passed 8-0 on a roll call vote on first and final reading.

The Clerk read Ordinance 2007-21 (An Ordinance to amend the Zoning Ordinance of Tippecanoe County, Indiana, to rezone certain real estate from **R2** to **NBU**, Larry Mathew, petitioner, southeast corner of Ninth Street and South Street) by title only on first and final reading. Councilman Campbell moved for passage, Councilman Brown seconded. Councilman Rhoda moved to table Ordinance 2007-21 until August 6, 2007 time certain at the request of the petitioner. Councilman Smith seconded. Discussion ensued regarding the length of time allowed to delay passage. Mr. Chosnek stated action must be taken within ninety (90) days after passage by the Area Plan Commission. Councilman Campbell stated residents in the area of the planned rezone are not opposed to a barbershop; the concern is what may replace it if the petitioner were to sell the property. Larry Mathew, Petitioner, 515 Valley View Lane, stated Sallie Fahey, Executive Director, APC indicated their intention was to re-evaluate the uses of NBU, therefore Mr. Mathews request his petition be tabled to allow the Area Plan Commission time to re-evaluate the NBU recommended business uses. Ordinance 2007-21 tabled until time certain August 6, 2007 on a roll call vote of 8-0. Councilman Campbell requested council representatives of the Area Plan Commission address possible changes to the NBU use and possible exceptions. Councilman Klinker agreed stating he and Councilman Smith will present this to Area Plan Commission.

The Clerk read Ordinance 2007-22 (An Ordinance to amend the Zoning Ordinance of Tippecanoe County, Indiana, to rezone certain real estate from **R2** to **NB**, Roland Ditto/Edward Sammons, petitioners,) by title only on first and final reading. Councilman Probasco moved for passage, Councilman Campbell seconded. Councilman Meyer left the room at 7:23 p.m. due to conflict. Joe Bumbleburg, representing the petitioner, spoke regarding the proposed changes, stating he had only received one negative comment from the neighbors that were notified of the proposed rezone. Ordinance 2007-22 passed 7-0 on a roll call vote on first and final reading. Councilman Meyer returned to the meeting at 7:31 p.m.

Resolutions

The Clerk read Resolution 2007-09 (A Resolution to Amend the Comprehensive Plan for Tippecanoe County included the Amended Transportation Plan for 2030) by title only on first and final reading. Councilman Brown moved for passage, Councilman Heide seconded. Doug Poad, Senior Transportation Planner for Area Plan Commission (APC) reported in February 2007 the Federal Highway Administration published its final rules and guidelines stating what is needed to make all transportation plans in compliance with Congressional Legislation. The Federal Highway Administration also required all plans be compliant by July 1, 2007. Mr. Poad stated the plan is the same with a few additions, which are as follows:

Adding all the goals and objectives that were established in the 1978 Transportation plan, adding an additional section under the planning factors specifically addressing Security Issues, all the project costs have been recalculated and now reflect year of construction costs. Mr. Poad noted all priorities established for local projects remain the same, there is now an environmental analysis and also a reference to Indiana or INDOT's strategic highway safety plan.

This amended plan was adopted by the APC in June 2007 and is now being presented to all six jurisdictions for their adoption so that it can become part of the Tippecanoe County Comprehensive Plan. Discussion ensued regarding several planned projects in this proposal. Resolution 2007-09 passed 8-0 on a roll call vote on first and final reading.

There were no reports of Standing Committees.

There were no reports of Special Committees.

Miscellaneous or New Business:

Mayor Roswarski spoke regarding the 2007 City Clean Sweep Program completed in June. Mayor Roswarski thanked Cindy Murray, City Clerk for a very successful program and praised the community for its participation. Mayor Roswarski then presented the 2007 Clean Sweep Trophy to the Wabash Neighborhood Association, Linda Shaw, representative of the Wabash Neighborhood Association thanked Mayor Roswarski, all the neighbors and the local businesses for their hard work.

There were no reports of Councilman:

Public Comment:

Nicholas Carter, previous resident of Lafayette, expressed concern over the sale of fireworks and lack of control by the state over who may purchase and use them.

With no further business to come before the Council, Councilman Campbell moved to adjourn, Councilman Meyer seconded. Meeting was adjourned at 7:45 P.M.

Minutes prepared by Cindy Murray, City Clerk

Complete audio of meeting available in the City Clerks office or at www.lafayette.in.gov